

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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In the matter of:

Request for Review by
the United Talmudical Academy
of the Decision of the Universal Service Administrator

FCC Docket Nos.
97-21 and 96-45

Review of Form 471
Application No. 105791
(1998 Funding Year)
Billed Entity No. 155580

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PRELIMINARY STATEMENT

The United Talmudical Academy, of Brooklyn, New York (hereinafter "UTA"), hereby appeals and seeks *de novo* review of the "Special - Funding Year 1998 Appeal, Funding Commitment Decisions Letter" (hereinafter "Commitment Letter", copy annexed hereto as Exhibit A). It is UTA's position that the Commitment Letter improperly limits the remand Order (hereinafter the "Order") of the Federal Communications Commission ("FCC"), Adopted January 4, 2000, Released January 7, 2000 (copy annexed hereto as Exhibit B) in that it does not provide complete funding for basic voice telephone service as required by said Order.

ARGUMENT

The Order of the FCC remands the application to the SLD "for further determination with respect to UTA's request for funding of basic voice telephone service." It also dismissed the UTA's request for disclosure of the SLD documentation pertaining to its original denial as moot. Essentially, the FCC required the SLD to grant the UTA's initial application for basic voice telephone service, which was the core of the appeal.

Upon remand, the SLD took it upon itself to apply a term of art, "Basic Telephone

Service” (as found in its published services eligibility list) to the FCC’s remand Order and thus limit the funding commitment to only services that fall within the definition of that term of art.

The result was to eliminate that portion of UTA’s initial basic voice telephone service application that sought funding for its interconnected centrex service and its cellphone service. When making its initial application, the UTA included its centrex and cellphone service as all services were to be obtained from the local telephone company as part of a reduced cost telephone service package. Specifically, the centrex service employed by UTA is not a private communications system but an expanded telephone service package designed to meet UTA’s basic telephone needs.

In any event, the FCC clearly indicated its approval of the UTA’s entire basic voice telephone service application. SLD was not authorized by the Order to dissect that application and commit funding to only selected parts. UTA’s application for basic voice telephone service was an application for a complete package of services and that application was approved, in its entirety, by the FCC.

Furthermore, SLD’s current actions only bolster UTA’s demand for disclosure of the SLD documentation. Such disclosure is no longer moot in that SLD is once again attempting to circumvent the FCC’s policies and the intent of the Federal Communications Act.

CONCLUSION

Based upon all the foregoing, it is respectfully requested that prior to the making of a final determination by the FCC the UTA be given an opportunity to review all the records of the SLD as they specifically pertain to the UTA’s application so as to allow the UTA to submit

a more informed and properly prepared supplemental memorandum on appeal to the FCC.

It is further requested that the UTA's request for Basic Voice Telephone Service funding be reviewed, *de novo*, and upon such review be granted in its entirety, including *all* service requested in the application, as a modified Form 471 application for funding.

The undersigned hereby verifies that I have read the foregoing, and that to the best of my knowledge, information and belief there is good ground to support it, and it is not interposed for delay.

Dated: September 18, 2000
Brooklyn, New York

Respectfully submitted,



Eugene Sander
Telecommunications Project Director
United Talmudical Academy
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Brooklyn, New York, 11211
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ATT
RICHARD
MASON

Box 125 - Correspondence Unit
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**Special – Funding Year 1998 Appeal
Funding Commitment Decisions Letter**

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516
832
2881

21-Aug-00

Mr. Mozes Greenfeld
United Talmudical Academy
82 Lee Avenue
Brooklyn NY 11211

Re: **Billed Entity Number** 155580
Application Number 105791

As you know from our previous letter reporting our Administrator's Decision on Appeal, we have granted or partially granted an appeal which results in additional funding committed to you for the 1998-99 program year. This letter is the official Funding Commitment Decisions Letter providing you with the precise dollar value and other details of that additional funding commitment. **If this is your first Funding Commitment Decision Letter attached you will find an explanation of the funding synopses.**

As you will see, the attached list of funding synopses contains the same kinds of information included in your original Funding Commitment Decisions Letter. Depending on the nature of your appeal, the synopses attached to this letter may have been updated to reflect the new total amount of discount for existing Funding Request Numbers and replace those in your original Funding Commitment Decisions Letter. Applicants should use these updated synopses for existing Funding Request Numbers (FRNs) that were modified during the appeal process and/or the synopses for new FRNs established as a result of their appeal when completing their Form 486 and the Billed Entity Applicant Reimbursement Form.

This same information is being sent to the service providers whose Service Provider Identification Numbers (SPINs) were featured in your FRNs. We urge you to contact these service providers to make any necessary arrangements regarding delivery of service and provision of your discounts. In addition, applicants should:

- File Form 486 immediately for any service that is already being delivered, and within five (5) business days of the start of new service;
- Submit a Billed Entity Applicant Reimbursement (BEAR) Form, unless you and your service provider have already worked out a mutually agreeable alternative;
- Take advantage of the special Year 1 grace period, **if** the service for which you are now receiving a funding commitment is a one-time, non-recurring service (such as installation of an internal connections project), there is a 180 day extension from the date of this letter to use this commitment. There is a 90 day period following this extension for applicants to submit invoices for payment, to use this commitment through September 30, 1999. Please make certain that your Form 486 includes the correct grace period contract termination date when you file it for this service. Monthly charges for recurring services delivered after 6/30/99 are **not** eligible for funding. Invoices for eligible monthly charges received prior to 6/30/99 can be invoiced for a period of 90 days from the date on this letter.

RICHARD
MASON

Applicants are reminded that if a Funding Request Number has a contract termination date of before December 31, 1998, and it is for a recurring telecommunications or Internet access service, you may be entitled to six additional months of funding (in addition to what is shown in this funding commitment letter). We will be in contact with you under separate cover regarding this extension.

If you have any questions about this special Funding Commitment Decision Letter, please call 888-203-8100, and ask for the Technical Client Service Bureau.

If you disagree with the appeal decision and/or the resulting funding commitments, you may choose to appeal to the Federal Communications Commission. If you feel further examination of your application is in order, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12TH Street, SW, Room TW-A325, Washington, DC 20554. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted on the SLD Web Site at <www.sl.universalservice.org>. You must file your appeal with the FCC no later than 30 days from the date of the issuance of this letter, in order for your appeal to be filed in a timely fashion.

We thank you for bringing your appeal to our attention. As always, we appreciate your patience and support as we work together to make this start-up year a success for schools and libraries across the country.

Schools and Libraries Division
Universal Service Administrative Company

Funding Request Number: 106719 Funding Status: COMMITTED - FULL
SPIN: 143004256 Service Provider Name: Matrix Telecom, Inc.
Provider Contract Number: T
Services Ordered: TELCOMM SERVICES
Earliest Possible Effective Date of Discount: 04/15/1998
Contract Expiration Date:
Pre-Discount Cost: \$9,409.50
Discount Percentage Approved by the SLD: 90 %
Fund Commitment Decision: \$8,468.55 - FRN approved; modified by SLD

Funding Request Number: 106729 Funding Status: COMMITTED - FULL
SPIN: 143001359 Service Provider Name: Bell Atlantic dba New York Tel. Co.
Provider Contract Number: T
Services Ordered: TELCOMM SERVICES
Earliest Possible Effective Date of Discount: 04/15/1998
Contract Expiration Date:
Pre-Discount Cost: \$23,694.10
Discount Percentage Approved by the SLD: 90 %
Fund Commitment Decision: \$21,324.69 - FRN approved; modified by SLD

Funding Request Number: 106730 Funding Status: COMMITTED - FULL
SPIN: 143001192 Service Provider Name: AT&T Corp.
Provider Contract Number: T
Services Ordered: TELCOMM SERVICES
Earliest Possible Effective Date of Discount: 04/15/1998
Contract Expiration Date:
Pre-Discount Cost: \$27,432.00
Discount Percentage Approved by the SLD: 90 %
Fund Commitment Decision: \$24,688.80 - FRN approved; modified by SLD

Federal Communications Commission

Before the
Federal Communications Commission
Washington, DC 20554

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I found your
appeal!
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In the Matter of)	
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Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
United Talmudical Academy)	File No. SLD-105/91
Brooklyn, New York)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER**Adopted: January 4, 2000****Released: January 7, 2000**

By the Commission:

1. This Order grants in part and dismisses in part the Letter of Appeal of United Talmudical Academy, Brooklyn, New York (UTA), that was received by the Commission on August 12, 1999. UTA's Letter of Appeal seeks review of a decision of the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator), dated July 14, 1999.¹ UTA seeks review solely with respect to SLD's denial of UTA's request for funding of basic voice telephone service. We remand UTA's application to SLD for further determination with respect to UTA's request for funding of basic voice telephone service. Furthermore, we dismiss UTA's request for an opportunity to review SLD documents pertaining to its application.

BACKGROUND

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts on eligible telecommunications services, Internet access, and internal connections.² In order to receive discounts on eligible services, schools must file certain information with the

¹ Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² 47 C.F.R. §§ 54.502, 54.503.